IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3121 OF 2005

United Breweries (Holdings) Limited
& Anr. ... Petitioners

Versus

Debt Recovery Appellate Tribunal
and Ors. ... Respondents

Mr. Navroz Seervai,Sr. Counsel with Mr. K.K. Shroff i/by M/s. Bharat Shah & Co. for Petitioenr.

Mr. Viraj Maniar wtih Ms. Ananthy Thampy i/by Viraj Maniar & Associates for R. No. 2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: NOVEMBER 21, 2006

P.C.:

. Rule. Heard forthwith.

. By an order dated 26.9.2005 in Writ Petition No. 6096 of 2005, we had set aside the order dated 13.6.2005 of the appellate tribunal and remanded the matter back for reconsideration on the matter being remanded, the learned tribunal has been pleased to reject the application for waiver of deposit by order dated 13.10.2005. It is this order which is subject matter of the present petition.

. The grievance on behalf of the counsel for the Petitioner is that the order impugned is nothing but repetition of the earlier order except for dropping

paragraph 12. When the matter is remanded, it is expected of the appellate authority to apply its mind afresh. We find that that has not been done by the appellate authority. In the light of that impugned order dated 13.10.2005 is set aside. The matter is remanded back to the appellate authority to consider the matter. We direct the appellate authority to dispose of the application now restored within eight weeks from today. In the meantime, the respondents are directed not to take steps to recover the amounts from the Petitioner.

. Rule made absolute accordingly. No order as to costs.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**